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Macroeconomic policy questions: promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development

Report of the Second Committee*

Rapporteur: Ms. Anneli **Lepp** (Estonia)

I. Introduction

1. The Second Committee held a substantive debate on agenda item 18 (see A/73/536, para. 2). Action on sub-item (d) was taken at the 23rd and 27th meetings, on 8 November and 3 December 2018. An account of the Committee's consideration of the sub-item is contained in the relevant summary records.[1]

II. Consideration of draft resolutions A/C.2/73/L.19 and A/C.2/73/L.19/Rev.1 and amendments contained in document A/C.2/73/L.57

2. At the 23rd meeting, on 8 November, the representative of Egypt, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development" (A/C.2/73/L.19).

3. At its 27th meeting, on 3 December, the Committee had before it a revised draft resolution (A/C.2/73/L.19/Rev.1), submitted by the sponsors of draft resolution A/C.2/73/L.19.

4. At the same meeting, the representative of Austria, on behalf of the States Members of the United Nations that are members of the European Union, made a

* The report of the Committee on this item is being issued in five parts, under the symbols A/73/536, A/73/536/Add.1, A/73/536/Add.2, A/73/536/Add.3 and A/73/536/Add.4.

[1] A/C.2/73/SR.23 and A/C.2/73/SR.27.

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statement and introduced a proposed amendment to draft resolution A/C.2/73/L.19/Rev.1, as contained in document A/C.2/73/L.57.

5. Also at the same meeting, the Committee was informed that document A/C.2/73/L.57 had no programme budget implications.

6. Also at its 27th meeting, the Committee rejected the proposed amendment contained in document A/C.2/73/L.57 by a recorded vote of 121 to 44, with 8 abstentions. The voting was as follows:

In favour:

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Iceland, Liechtenstein, Mexico, New Zealand, Norway, Panama, Switzerland, Turkey.

7. At the same meeting, after the vote, a statement was made by the representative of Austria, on behalf of the States members of the European Union.

8. Also at the same meeting, the Committee was informed that draft resolution A/C.2/73/L.19/Rev.1 had no programme budget implications.

9. Also at its 27th meeting, the Committee adopted draft resolution A/C.2/73/L.19/Rev.1 (see para. 11).

10. At the same meeting, statements were made by the representative of Austria, on behalf of the States members of the European Union, the representative of the United States of America, who also spoke on behalf of Japan regarding a particular point, and the representatives of Nigeria, Liechtenstein and the Republic of Korea.

III. Recommendation of the Second Committee

11. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development

The General Assembly,

Guided by the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming its resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner, and to building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business,

Reaffirming also its resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development, supports and complements it, helps to contextualize its means of implementation targets with concrete policies and actions, and reaffirms the strong political commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity,

Reaffirming further the United Nations Convention against Corruption,[1] which is the most comprehensive and universal instrument on corruption, and recognizing the need to continue to promote its ratification or accession thereto and its full and effective implementation, including full support for the Mechanism for the Review of Implementation of the Convention,

Reaffirming the United Nations Convention against Transnational Organized Crime,[2]

Recalling its resolutions 65/169 of 20 December 2010, 71/213 of 21 December 2016 and 72/207 of 20 December 2017,

Recalling also its resolutions 71/208 of 19 December 2016 and 72/196 of 19 December 2017,

Reiterating its deep concern about the impact of illicit financial flows, in particular those caused by tax evasion, corruption and transnational organized crime, on the economic, social and political stability and development of societies, and especially on developing countries,

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[1] United Nations, *Treaty Series*, vol. 2349, No. 42146.

[2] Ibid., vol. 2225, No. 39574.

Recognizing the challenge posed by the increasing scope and complexity of illicit financial flows and the need for the recovery and return of stolen assets, which necessitates international cooperation,

Reaffirming the importance of chapter V of the United Nations Convention against Corruption, and underlining that the recovery and return of stolen assets pursuant to that chapter is a fundamental principle of the Convention,

Recognizing the work carried out by the Conference of the States Parties to the United Nations Convention against Corruption, and in particular its Open-ended Intergovernmental Working Group on Asset Recovery, to advance the full implementation of chapter V of the Convention,

Taking note of the technical resources produced by the United Nations Office on Drugs and Crime and the World Bank through the Stolen Asset Recovery Initiative,

Encouraging States parties to the United Nations Convention against Corruption to make full use of the asset recovery tools set forth in chapter V of the Convention, including mechanisms for the enforcement of foreign restraining and confiscation orders, as a means of significantly reducing expenses that a State party may normally incur in pursuing asset recovery,

Calling upon all States parties to the United Nations Convention against Corruption, in particular requesting and requested States, to cooperate to recover the proceeds of crime, as defined in the Convention, and to demonstrate their strong commitment to ensuring the return or disposal of such proceeds, in accordance with article 57 of the Convention,

Recognizing that combating illicit financial flows involves an essential development challenge, and emphasizing that illicit financial flows reduce the availability of valuable resources for financing for development,

Recognizing also that global knowledge on the importance of combating illicit financial flows and enhancing the return of assets is rapidly increasing, as is the political will to recover illicitly acquired assets by both requesting and requested States, and noting that while many challenges remain unresolved, tackling them effectively requires a holistic approach that recognizes the different types of illicit financial flows and their impact on sustainable development,

Recognizing further the important work undertaken by academia and civil society, including the International Centre for Asset Recovery and the U4 Anti-Corruption Resource Centre, in assisting Member States in understanding the challenges associated with the return of stolen assets under chapter V of the United Nations Convention against Corruption,

Noting with appreciation the ongoing efforts by regional organizations and other relevant international forums to strengthen cooperation in preventing and combating illicit financial flows,

Taking note of the 2018 report of the Inter-Agency Task Force on Financing for Development,[3]

Welcoming the establishment of the Platform for Collaboration on Tax to intensify collaboration and coordination on tax issues between the United Nations, the International Monetary Fund, the World Bank Group and the Organization for Economic Cooperation and Development, including on formalizing regular discussions between the four international organizations on the design and

[3] *Financing for Development: Progress and Prospects 2018*, (United Nations publication, Sales No. E.18.I.5).

implementation of standards for international tax matters and on the strengthening of their ability to provide capacity-building support to developing countries,

Taking note of the report of the High-level Panel on Illicit Financial Flows from Africa and its relevant contributions in increasing knowledge on the sources of illicit financial flows, while reiterating its invitation to other regions to carry out similar exercises,

Noting with appreciation the decision of the Heads of State and Government of the African Union to declare 2018 as the African Anti-Corruption Year and the appointment of an Anti-Corruption Champion,

Keeping in mind, therefore, that there are different sources of illicit financial flows and that separate analysis of each source is more beneficial in designing policy responses to prevent illicit financial flows,

Noting efforts to promote the exchange of information and synergy between the open-ended intergovernmental expert meetings to enhance international cooperation under the United Nations Convention against Corruption and the Working Group on International Cooperation established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

Noting also recent international developments on the implementation of the Standard for Automatic Exchange of Financial Account Information in Tax Matters under common reporting standards developed by the Organization for Economic Cooperation and Development, and now involving more than 100 countries, as well as the role of the 154 members of the Global Forum on Transparency and Exchange of Information for Tax Purposes, which enables cooperation on an equal footing,

1. *Welcomes* the inclusion in the 2030 Agenda for Sustainable Development[4] of, inter alia, the target related to combating illicit financial flows, recalls that the Sustainable Development Goals and associated targets are integrated and indivisible and balance the three dimensions of sustainable development, and in this regard looks forward to their achievement;

2. *Notes* the inclusion in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development[5] of actions intended to combat illicit financial flows, and, in this regard, looks forward to their implementation;

3. *Reaffirms its commitment* to work to strengthen regulatory frameworks at all levels in accordance with international standards and to further increase transparency and accountability of financial institutions and the corporate sector, as well as public administrations;

4. *Welcomes* the ongoing efforts of Member States to enhance knowledge and broaden understanding of the challenges and opportunities involved in international cooperation to combat illicit financial flows and strengthen good practices on assets return consistent with the United Nations Convention against Corruption so as to foster sustainable development;

5. *Notes* that developing countries are particularly susceptible to the negative impact of illicit financial flows;

6. *Acknowledges* that combatting illicit financial flows requires a range of actions that includes deterring, detecting, preventing and countering such flows;

7. *Notes* that new technologies have opened the door for a growing number of people in developing countries to access digital financial services and can both

[4] Resolution 70/1.

[5] Resolution 69/313, annex.

increase efficiency in revenue collection and strengthen the fight against illicit financial flows;

8. *Expresses its concern* that virtual assets are increasingly being used for illicit activities, and in this regard encourages Member States and other relevant organizations to consider taking measures to prevent and counter their illicit use;

9. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[6] and also urges States parties to those Conventions and Protocols to make efforts towards their effective implementation;

10. *Calls upon* the relevant organizations of the United Nations system, within their respective mandates and resources, to ensure that no one is left behind and no country is left behind in the implementation of the present resolution;

11. *Encourages* further efforts by relevant national and international actors to mitigate transfer pricing not in line with the arm's length principle and trade mis-invoicing and to avoid base erosion and profit shifting, bearing in mind the need for developing countries to strengthen their domestic resource mobilization in order to achieve the Sustainable Development Goals;

12. *Encourages* countries and relevant multilateral and international organizations to continue their efforts to provide, upon request, technical assistance and capacity-building assistance to developing countries in order to improve their capacity to prevent, detect and combat illicit financial flows and strengthen good practices on assets return to foster sustainable development;

13. *Encourages* greater international cooperation to support African and other regional initiatives to combat illicit financial flows;

14. *Calls upon* all countries to cooperate, in accordance with applicable bilateral or multilateral agreements, in the areas of mutual legal assistance and administrative assistance in tax matters, as well as the automatic exchange of financial account information;

15. *Recognizes* the importance of enhanced capacity for data collection and analysis to combat illicit financial flows, emphasizing the need to increase the exchange of data within national Government institutions as well as from international institutions;

16. *Emphasizes* the importance of the ongoing efforts of the United Nations Office on Drugs and Crime, in coordination with the United Nations Conference on Trade and Development and other institutions, to develop a methodology to produce estimates of the total value of inward and outward illicit financial flows;

17. *Reiterates its call* to the President of the General Assembly to convene, during the seventy-third session of the Assembly, within existing resources and in coordination with all relevant stakeholders, a high-level meeting on international cooperation to combat illicit financial flows and strengthen good practices on asset return to foster sustainable development;

18. *Notes* that international cooperation in combating illicit financial flows is a work in progress that must continue to be pursued, and encourages all countries to develop effective tools and create a policy environment for combatting illicit financial flows, in accordance with the existing relevant international frameworks, including the United Nations Convention against Corruption;

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[6] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

19. *Notes with concern* that proceeds emanating from offences established under the United Nations Convention against Corruption have yet to be disposed of in favour of the legitimate owners and victims of the crimes, and pledges to deter, detect, prevent and counter corruption, increase transparency and promote good governance;

20. *Takes note with appreciation* of the first meeting of the Global Forum on Asset Recovery, which took place in December 2017, supported by the Stolen Asset Recovery Initiative, a joint initiative of the World Bank and the United Nations Office on Drugs and Crime, and welcomes the adoption of the Global Forum on Asset Recovery communiqué;

21. *Stresses* that anti-corruption measures should be an integral part of national development policies and strategies;

22. *Looks forward* to the inclusion, in the 2019 report of the Inter-Agency Task Force on Financing for Development, of an analysis of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development, pursuant to the mandate of the Task Force, and also looks forward to the deliberations of the Economic and Social Council forum on financing for development follow-up;

23. *Decides* to include in the provisional agenda of its seventy-fourth session under the item entitled "Macroeconomic policy questions", a sub-item entitled "Promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development", unless otherwise agreed.